

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

TOUCHTUNES MUSIC CORP.,

SUMMONS IN A CIVIL ACTION

V.

ROWE INTERNATIONAL CORP., ARACHNID,
INC., AMI ENTERTAINMENT, INC., and
MERIT INDUSTRIES, INC. d/b/a
MERIT ENTERTAINMENT,

07 CV 11450
CASE NUMBER: 07 Civ.

JUDGE SWEET

TO: (Name and address of Defendant)

Rowe International Corp.
1500 Union Avenue S.E.
Grand Rapids, Michigan 49507

* see attached rider for remaining defendants and addresses

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James S. Blank (JB-4376)
Latham & Watkins LLP
885 Third Avenue
New York, New York 10022
(212) 906-1200
james.blank@lw.com

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL HON

DEC 20 2007

CLERK

DATE

(By) DEPUTY CLERK

RIDER

Arachnid, Inc.
6212 Material Avenue
Loves Park, Illinois 61111

AMI Entertainment, Inc.
1500 Union Avenue, S.E.
Grand Rapids, Michigan 49507

Merit Industries, Inc. d/b/a
Merit Entertainment
2525 State Road
Bensalem, Pennsylvania 19020

Affidavit of Process Server

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

(NAME OF COURT)

TOUCHTUNES MUSIC CORP. vs MERIT INDUSTRIES, INC. d/b/a/ MERIT ENTERTAINMENT 07CV11450

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I NICHOLAS P. CIPRIANO, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served MERIT INDUSTRIES, d/b/a MERIT ENTERTAINMENT

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUMMONS IN A CIVIL ACTION, COMPLAINTby leaving with JEFF KRISCIUNAS, CFO At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business 2525 STATE ROAD, BENSLEM, PA. 19020

ADDRESS

CITY / STATE

On DECEMBER 28, 2007 AT 1:30 PM

DATE

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on _____

DATE

from _____

CITY

STATE

ZIP

Manner of Service:

- ☐ **Personal:** By personally delivering copies to the person being served.
- ☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.
- ☒ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- ☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ **Unknown at Address** ☐ **Moved, Left no Forwarding** ☐ **Service Cancelled by Litigant** ☐ **Unable to Serve in Timely Fashion**
☐ **Address Does Not Exist** ☐ **Other** _____

Service Attempts: Service was attempted on: (1) _____ (2) _____

DATE

TIME

DATE

TIME

(3) _____ (4) _____ (5) _____

DATE

TIME

DATE

TIME

DATE

TIME

Description: Age 35-40 Sex M Race W Height 6' Weight 165 Hair BROWN Beard _____ Glasses _____

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 31ST day of DECEMBER, 2007, by NICHOLAS P. CIPRIANO, Personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notarial Seal
 Donna M. Cipriano, Notary Public
 Northampton Twp., Bucks County
 My Commission Expires Feb. 17, 2009
 Member, Pennsylvania Association of Notaries

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of PENNA.